

Montana Department of Natural Resources and Conservation
Water Resources Division
Water Rights Bureau

ENVIRONMENTAL ASSESSMENT
For Routine Actions with Limited Environmental Impact

Part I. Proposed Action Description

1. Applicant/Contact name and address:

Dayton Rusby Seabaugh
395 Lower Valley Road
Kalispell, MT 59901

2. Type of action: Application to Change an Existing Irrigation Water Right 76LJ 30065802

3. Water source name: Flathead River

4. Location affected by project: The historic place of use is 10 acres in Government Lot 10 of the SWSW of Section 27, Township 28N, Range 21W, Flathead County. The proposed new place of use is the NWSWSW of Sec 27, Township 28N, Range 21W, Flathead County.

5. Narrative summary of the proposed project, purpose, action to be taken, and benefits:

The Applicant seeks authorization to change the point of diversion associated with Statement of Claim 76LJ 30065773. The point of diversion will be moved upstream, approximately $\frac{3}{4}$ of a mile directly north of the historic point of diversion and be placed along the west bank of the Flathead River. This proposed point of diversion is currently being used by the Applicant to irrigate 58 acres under 76LJ 3099-00 (28 acres) and 76LJ 7625-00 (30 acres). Water will be diverted from the Flathead River and sent through an 8 inch and then 6 inch mainline. The mainline will split sending water to the east (76LJ 7625-00) and to the south (76LJ 3099-00 & 76LJ 30065773). The DNRC shall approve the change if the Applicant proves the criteria in 85-2-311 MCA are met.

6. Agencies consulted during preparation of the Environmental Assessment: (include agencies with overlapping jurisdiction)

-U.S. Fish and Wildlife Service and Montana Natural Heritage Program: Endangered, Threatened Species and Species of Special Concern, Wetland Mapper program
-Montana Department of Fish Wildlife & Parks (DFWP); Dewatered Stream Information
-Montana Department of Environmental Quality's (MDEQ) Clean Water Act Information and PWS Drinking Water Watch databases

- U.S. Natural Resource Conservation Service (NRCS); web soil survey
- Montana Historical Society

Part II. Environmental Review

1. Environmental Impact Checklist:

PHYSICAL ENVIRONMENT

WATER QUANTITY, QUALITY AND DISTRIBUTION

Water quantity - *Assess whether the source of supply is identified as a chronically or periodically dewatered stream by DFWP. Assess whether the proposed use will worsen the already dewatered condition.*

Flathead River and Flathead Lake are not listed by DFWP as chronically or periodically dewatered. Upon analysis by the Department of Natural Resources (Department) the Flathead River was found to have water in excess of that requested by the Applicant. The Applicant is irrigating 7 of the historic 10 acres; therefore the volume of water consumed and diverted is less than historic diverted and consumed volumes.

Determination: No impact.

Water quality - *Assess whether the stream is listed as water quality impaired or threatened by DEQ, and whether the proposed project will affect water quality.*

According to the MDEQ Clean Water Act Information Center in 2012 Flathead Lake was listed as having one or more uses impaired due to one or more of the following probable causes: mercury, nitrogen (total), phosphorous (total), polychlorinated biphenyls and sedimentation/siltation. Flathead River was categorized as having insufficient data to assess any use. The Applicant is not altering their period of diversion and is proposing to divert less water than historically diverted; water quality will not be altered.

Determination: No significant impact.

Groundwater - *Assess if the proposed project impacts ground water quality or supply. If this is a groundwater appropriation, assess if it could impact adjacent surface water flows.*

Determination: N/A, project does not involve groundwater

DIVERSION WORKS - *Assess whether the means of diversion, construction and operation of the appropriation works of the proposed project will impact any of the following: channel impacts, flow modifications, barriers, riparian areas, dams, well construction.*

A total of 7 acres will be irrigated of the historically claimed 10 acres. An 8 inch and then 6 inch buried pipe will carry water from the point of diversion south. After 200 yards the 6 inch mainline splits. One pipe proceeds to the east to water 30 acres permitted under 76LJ 7625-00.

The other pipe proceeds south to the pivot. A Reinke Electrogator II 2660 Opt 57 inch center pivot irrigates a total of 35 acres (76LJ 3099-00, 28 acres; 76LJ 30065773, 7 acres). A Cornell 24.16 hp pump will divert water from the Flathead River. This pump is capable of diverting enough water to irrigate all 65 acres (76LJ 7625-00, 76LJ 3099-00, and 76LJ 30065773). The center pivot has four towers, a gauge pressure of 37 PSI, 47 sprinkler heads, 785 feet of pipe and a total system flow rate of 190 GPM. On average, the pivot is set to deliver ½ - ¾ inches of water per round, 10 rounds are completed at one time. 10 rounds or one set takes 11-12 days and puts down 5-7 inches of water. A total of 3 sets occur, once for the first cutting and twice in the second cutting.

Return flows will decrease because less water is being diverted for and consumed by plants on the 7 acres. This permit will not create any barriers or dams; it will not disturb any riparian areas and does not involve a well. Department hydrogeologists have shown that no significant negative impact will occur to existing water users and surface/groundwater resources.

Determination: No significant impact.

UNIQUE, ENDANGERED, FRAGILE OR LIMITED ENVIRONMENTAL RESOURCES

Endangered and threatened species - *Assess whether the proposed project will impact any threatened or endangered fish, wildlife, plants or aquatic species or any “species of special concern,” or create a barrier to the migration or movement of fish or wildlife. For groundwater, assess whether the proposed project, including impacts on adjacent surface flows, would impact any threatened or endangered species or “species of special concern.”*

The Montana Natural Heritage Program and DFWP websites were reviewed to determine if there are any threatened or endangered fish, wildlife, plants or aquatic species or any “species of special concern”, that could be impacted by the proposed project.

According to the Montana Natural Heritage Program in Township 28N, Range 21W there is one plant species of concern, the Pygmy Water-lily (*Nymphaea leibergii*). The Wolverine (*Gulo gulo*), Fisher (*Martes pennant*), Great Blue Heron (*Ardea herodias*), Verry (*Catharus fuscescens*), Pygmy Whitefish (*Prosopium coulteri*), Lake Trout (*Salvelinus namaycush*) and Westslope Cutthroat Trout (*Oncorhynchus clarkia lewisi*) are species of concern; the Bull Trout (*Salvelinus confluentus*) is listed as threatened. An adequate quantity of water will still exist in the Flathead River to maintain existing populations of fish and aquatic plants, seeing how less water will be diverted. Agriculture and development have existed along the Flathead River for sometime; any impacts to sensitive mammal species most likely has already occurred. The proposed project will not negatively impact any threatened or endangered fish, wildlife, plants and aquatic species or any species of special concern.

Determination: No significant impact.

Wetlands - *Consult and assess whether the apparent wetland is a functional wetland (according to COE definitions), and whether the wetland resource would be impacted.*

Determination: N/A, project does not involve wetlands or critical riparian habitats

Ponds - For ponds, consult and assess whether existing wildlife, waterfowl, or fisheries resources would be impacted.

Determination: N/A, project does not involve ponds.

GEOLOGY/SOIL QUALITY, STABILITY AND MOISTURE - Assess whether there will be degradation of soil quality, alteration of soil stability, or moisture content. Assess whether the soils are heavy in salts that could cause saline seep.

According to soil survey data provided by the NRCS, soil within the place of use consists mostly of Swims silty clay loam. These soils are not susceptible to saline seep. Using water from Flathead River for irrigation will not cause degradation of soil quality and stability.

Determination: No impact.

VEGETATION COVER, QUANTITY AND QUALITY/NOXIOUS WEEDS - Assess impacts to existing vegetative cover. Assess whether the proposed project would result in the establishment or spread of noxious weeds.

Any impacts to existing vegetation will be within the range of current disturbances due to current farm practices. Noxious weeds are not expected to be established or spread due to current land management techniques.

Determination: No impact.

AIR QUALITY - Assess whether there will be a deterioration of air quality or adverse effects on vegetation due to increased air pollutants.

Adverse air quality impacts from increased air pollutants are not expected as a result of this project. No air pollutants were identified as resulting from the applicants proposed use of water from the Flathead River.

Determination: No impact.

HISTORICAL AND ARCHEOLOGICAL SITES - Assess whether there will be degradation of unique archeological or historical sites in the vicinity of the proposed project if it is on State or Federal Lands. If it is not on State or Federal Lands simply state NA-project not located on State or Federal Lands.

Determination: N/A, project is not located on state or federal land.

DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AND ENERGY - Assess any other impacts on environmental resources of land, water and energy not already addressed.

All impacts to land, water and energy have been identified and no further impacts are anticipated.

Determination: No impact.

HUMAN ENVIRONMENT

LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS - *Assess whether the proposed project is inconsistent with any locally adopted environmental plans and goals.*

The project is located in an area with no locally adopted environmental plans.

Determination: No impact.

ACCESS TO AND QUALITY OF RECREATIONAL AND WILDERNESS ACTIVITIES - *Assess whether the proposed project will impact access to or the quality of recreational and wilderness activities.*

The proposed project will not inhibit, alter or impair access to present recreational opportunities in the area. The project is not expected to create any significant pollution, noise, or traffic congestion in the area that may alter the quality of recreational opportunities. The proposed place of use and diversion do not exist on land designated as wilderness.

Determination: No impact.

HUMAN HEALTH - *Assess whether the proposed project impacts on human health.*

There should be no significant negative impact on human health from this proposed use.

Determination: No impact.

PRIVATE PROPERTY - *Assess whether there are any government regulatory impacts on private property rights.*

Yes___ No x If yes, analyze any alternatives considered that could reduce, minimize, or eliminate the regulation of private property rights.

Determination: No impact.

OTHER HUMAN ENVIRONMENTAL ISSUES - *For routine actions of limited environmental impact, the following may be addressed in a checklist fashion.*

Impacts on:

- (a) Cultural uniqueness and diversity? None identified.
- (b) Local and state tax base and tax revenues? None identified.
- (c) Existing land uses? None identified.
- (d) Quantity and distribution of employment? None identified.
- (e) Distribution and density of population and housing? None identified.

- (f) Demands for government services? None identified.
- (g) Industrial and commercial activity? None identified.
- (h) Utilities? None identified.
- (i) Transportation? None identified.
- (j) Safety? None identified.
- (k) Other appropriate social and economic circumstances? None identified.

2. *Secondary and cumulative impacts on the physical environment and human population:*

Secondary Impacts: None identified.

Cumulative Impacts: None identified.

3. *Describe any mitigation/stipulation measures:* None identified.

4. *Description and analysis of reasonable alternatives to the proposed action, including the no action alternative, if an alternative is reasonably available and prudent to consider:* No reasonable alternatives were identified in the EA.

PART III. Conclusion

1. *Preferred Alternativ:* None identified.

2 *Comments and Responses:* None.

3. *Finding:*

Yes___ No_x___ Based on the significance criteria evaluated in this EA, is an EIS required?

If an EIS is not required, explain why the EA is the appropriate level of analysis for this proposed action:

An EA is the appropriate level of analysis for the proposed action because no significant impacts were identified.

Name of person(s) responsible for preparation of EA:

Name: Melissa Brickl

Title: Hydrologist/Water Resource Specialist

Date: August 12, 2013